

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Board Of Certification of Operators of Wastewater Treatment Facilities

Meeting Minutes: December 6, 2006

Members in Attendance: Richard Dionne, Julia Forgue, Fred Kurdziel, Bill Patenaude, Jon Schock and Tom White.

Others in Attendance: Traci Pena, RIDEM; Paul Desrosiers, NBC Fields Point; Peter Eldridge, Brian Lavalley, West Warwick

Mr. Patenaude opened the meeting with the review of the draft November 2006 minutes.

Mr. Schock motioned to approve the November open minutes with minor amendments. Mr. Patenaude seconded the motion. With all members voting in favor, the motion passed.

The next item to be discussed was Mandatory Retraining. This item was placed on the agenda at the request of Tom White and Paul Desrosiers of the Narragansett Water Pollution Control Association. Mr. Desrosiers wanted to know what the Board is going to do regarding legislation for mandatory retraining. Last year, the General Assembly had last minute changes to include grandfathering, and Mr.

Desrosiers thought it was a gross inequality as he thought all operators needed to be aware of the new technology. Mr. Desrosiers noted that the program should be implemented like the Department of Health's program. He also had concerns about the operators not being treated with dignity and respect. Mr. Desrosiers wanted to work with the Board to overcome the hurdles that if the legislation should pass that, an agreement would be equitable to all parties. Mr. White acknowledged that everybody had concerns and would also like to work together to iron out the details. He still felt as though mandatory retraining is helpful and a good tool for all; it is done for the drinking water profession and it is not hurting their budget. NWPCA is willing to work with the Board and draft a proposal. Mr. White also offered that perhaps a phased-in approach would work. Mr. Patenaude stated that with the new DEM director, the agency's vote has changed in support of mandatory retraining; Mr. Patenaude is the director's designee. Mr. Schock asked if NBC or E. Providence implemented training on their own, and if so, what training have they provided. Mr. Schock expressed that it is the municipalities' obligation to provide training for their operators, and so why does the state need to mandate it? Mr. Desrosiers replied that NBC provides training, such as OSHA-mandated training. Mr. Schock then wanted to know what kind of training they're looking for that isn't already provided. Mr. Patenaude said that not all the facilities provide the same quality of training. Mandatory retraining would encourage the operators to better perform their jobs and aid the operators who care about their license and feel as though mandatory retraining is going

to happen. Mr. Schock wanted to know if DEM would be funding this and that the director should look at Rhode Island General Law 45.13-9.1 entitled Future Mandates, which states: “No mandate shall be enacted or promulgated after July 1, 2006, unless the body enacting or promulgating the same shall first, after public hearing, determine the cost of the proposed mandate to the city, town or school districts of the state. Any rule, regulation or policy adopted by state departments, agencies or quasi-state departments or agencies which require any new expenditure of money or increased expenditure of money by a city, town or school district shall take effect on July 1 of the calendar year following the year of adoption. Provided, however, should funding be provided for the said expenditure, then such rule, regulation or policy shall take effect upon adoption.” Mr. Schock also offered that this general law has a profound impact. Ms. Forgue thought it should not be a program that the operators can “find their way around”; while the concept is good, she noted, there will need to be staffing and available courses to make the program effective. Mr. Patenaude said that no program would be perfect but it would have its benefits. Mr. White said that the Board would have the ability to set up a new program. Mr. Dionne said that the operators are getting experience as long as they do their jobs without violations. People he has spoken with have given no

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indication whether they would like mandatory retraining to be instituted. He also questioned whether NWPCA represents operators.

Mr. Patenaude thought the current “blanket approach” stated in its regulations was not necessary; it could be the communities’ responsibility to submit a proposal for their specific training needs in accordance with general guidelines required by the board. Mr. Patenaude suggested the regulations be amended towards such a system. Mr. Desrosiers thought that any idea that would implement the training to the operators. Mr. Patenaude said he will put this item on the agenda for the January 2007 meeting and a proposal should be developed that would meet the needs of everybody. Therefore, the agenda item of Mandatory Retraining would be tabled until the January 2007 meeting.

The next topic discussed was the NWPCA’s attendance at the national Operator’s Challenge held in October in Dallas, Texas. NWPCA team-member Brian Lavallee noted that the Operator’s Challenge has become an international competition. Overall there were 42 teams. The following is how the NWPCA team ranked in the various competitions: 249h in a maintenance event, 24th in a safety event, 19th in a process control event, 15th in lab BOD, 14th in collection repair and their overall score was 22nd. Mr. Lavallee thought that the challenge was educational and a great experience.

Mr. Patenaude told Mr. Lavallee that if there is anything that the Board can do to assist the team members to let him know.

All visitors then left the meeting.

The next item on the agenda to be discussed were the Draft Executive Session Meeting Minutes from the September 6, 2006 meeting.

Mr. White motioned to approve the minutes as amended. Mr. Schock seconded the motion. All members present voted in favor and the motion passed.

The next item discussed was Enforcement Activities. Mr. Patenaude said that there was nothing new to report but there may be some new issues in the future. He then passed out a guideline for “Just Cause” that may be used for future enforcement actions.

The next item discussed was Return of Application Fees. Mr. Patenaude sought the Board’s opinion on whether application fees should be returned to the operators who do not meet the qualifications of examination, etc. The Board agreed that since the applications were being processed in either instance, the money should be kept. The application should state that the fees are non-refundable.

In new business, Mr. Kurdziel asked if there was a contingency plan

for WWTFs should there be a pandemic. He noted that such contingency plans are in place for drinking water systems. Ms. Forgue noted that in her experience overseeing drinking water systems, some rules would have to be relaxed.

With no other business,

Mr. Patenaude motioned to close the meeting. Mr. Schock seconded the motion. With all members voting in favor, the motioned passed.

The next meeting is scheduled for Wednesday, January 3, 2007 at 9:30 a.m. in room 280 of the DEM – Office of Water Resources, 235 Promenade St., Providence, RI 02908.